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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/309,211

05/10/99

MURVEIT

H NUAN-00500  
EXAMINER

WM02/1023

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ART UNIT AZAD, JA PAPER

2641 11

DATE MAILED: 10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.

09/309,211

Applicant(s)

MURVEIT ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-26, 28-40 and 42-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-26, 28-40 and 42-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on August 10, 2001.
2. Claims 1-10, 12-26, 28-40 and 42-58 are pending in this action. Claims 48, 50-54 and 57 have been amended.
3. Applicant's arguments with respect to claims 1-10, 12-26, 28-40 and 42-58 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-10, 12-26, 28-40 and 42-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanevsky et al. (US 5,897,616).

As per claim 1, Kanevsky teaches, "a method of adapting a speech recognition system," wherein the method comprises steps of:

"obtaining an identification of a speaker" (col. 8, lines 53-55);

"obtaining a sample of a speaker's speech during a first remote session" (col. 8, lines 45-55, reads on "the system collects voice samples from the caller's answers to the plurality of questions and builds a user voice model therefrom.");

"recognizing the speaker's speech utilizing the speech recognition system during the first remote session" (col. 8, lines 45-48, reads on "based only on the scores achieved by the answers received to the questions, the server makes a determination whether or not to permit access to the caller.");

"modifying the speech recognition system according to the sample thereby forming a speaker-specific modified speech recognition system" (col. 8, lines 45-55);

"storing a representation of the speaker-specific modified speech recognition system in association with the identification of the speaker" (col. 8, lines 45-55)

"using the representation of the speaker-specific modified speech recognition system to recognize speech during a subsequent remote session with the speaker" (col. 8, lines 45-55)

As per claim 2, Kanevsky teaches, "comprising a step of cumulatively modifying the speech recognition system according to speech samples obtained during one or more remote sessions with the speaker" (col. 8, lines 45-55).

As per claim 3, Kanevsky teaches, "wherein the speaker is a telephone caller" (col. 1, lines 58-67).

As per claim 4, Kanevsky teaches, "wherein the step of modifying the speech recognition system comprises a step of modifying an acoustic model thereby forming a speaker-specific modified acoustic model and wherein the step of storing a representation of the speaker-specific modified speech recognition system comprises a step of storing a representation of the modified acoustic model" (col. 8, lines 45-55).

As per claim 5, Kanevasky teaches, "wherein the representation of the speaker-specific modified acoustic model is a set of statistics which can be utilized to modify a pre-existing acoustic model" (col. 8, lines 31-35 and col. 11, lines 3-20).

As per claim 6, Kanevasky teaches, "wherein the representation of the speaker-specific modified acoustic model is a set of statistics which can be utilized to modify incoming acoustic speech" (col. 8, lines 31-35 and col. 11, lines 3-20)

As per claim 7, Kanevasky teaches, "a step of utilizing the speaker-specific modified speech recognition system during the first remote session with the speaker" (col. 8, lines 45-55).

As per claim 8, Kanevasky teaches, "wherein the speech recognition system is speaker-independent prior to first remote session" (col.8, lines 45-48).

As per claim 9, Kanevasky teaches, "wherein the step of modifying the speech recognition system is performed during the first remote session" (col. 8, lines 45-48).

As per claim 10, Kanevasky teaches, "wherein the step of modifying the speech recognition system is performed after termination of the first remote session" (col. 8, lines 30-35).

As per claims 12 and 16, Kanevasky teaches, "step of authenticating the speaker's identification by the speaker's speech" (col. 8, lines 45-55).

As per claims 13-15, they have similar limitations as claims 8-10, so claims 13-15 are also rejected for the same reasons.

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As per claims 17-26, 28-40 and 42-58, they have similar limitations as claims 1-10, and 12-17, so claims 17-26, 28-40 and 42-58 are also rejected for the same reasons.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Korzuch**, can be reached at **(703) 305-6137**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314**

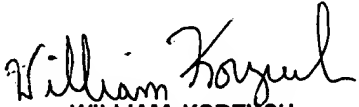
(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-4700**.

Abul K. Azad

October 17, 2001

  
**WILLIAM KORZUCH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**